



MMCS823

Cultural Production and the Law

S1 Day 2014

Dept of Media, Music & Cultural Studies

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General Information

Unit convenor and teaching staff

Unit Convenor

Stephen Collins

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Credit points

4

Prerequisites

(12cp in CUL or MAS units at 300 level or 42cp in LAW units at 400 or 500 level) or admission to MA or PGDipArts or PGCertArts

Corequisites

Co-badged status

Unit description

Intellectual property is a leviathan of the digital era. The last decade has seen consistent augmentation of copyright laws in the face of open content, peer-to-peer distribution, and new distribution models. User rights such as fair dealing (Australia, UK) and fair use (America) have, by contrast, been weakened as intellectual property 'evolves' into something resembling real property. The digital era provokes debate over ownership of culturally ubiquitous works as a 'rip, mix and burn' aesthetic is hardwired into personal computers, software and mass approaches to digital content. This unit analyses the impact of the law on cultural production in the digital era.

Important Academic Dates

Information about important academic dates including deadlines for withdrawing from units are available at <https://www.mq.edu.au/study/calendar-of-dates>

Learning Outcomes

On successful completion of this unit, you will be able to:

- Analyse critically the role played by copyright
- Differentiate between different modes of authorship and ownership
- Apply legal rationale to contemporary case studies
- Formulate arguments capable of contributing to policy reform
- Construct sustainable arguments supported by academic research

Find, analyse, and interpret primary and secondary sources

Assessment Tasks

Name	Weighting	Due
Seminar Presentation	30%	As allocated
Major Essay	50%	Week 13
Seminar Participation	20%	Ongoing

Seminar Presentation

Due: **As allocated**

Weighting: **30%**

You are required to give a 30-minute presentation on one of the weekly topics. Your presentation must not simply summarise the readings, but draw out the issues within the topic and provoke discussion for the remainder of the class.

Your presentation will involve at least one contemporary case study appropriate to the topic.

You are expected to draw on the readings as well as demonstrating wider, independent research on the topic. You should endeavour to draw upon published academic research over journalistic reports.

Please do not rely on electronic props to support your presentation (available technology is dependent on room timetabling).

On successful completion you will be able to:

- Analyse critically the role played by copyright
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- Apply legal rationale to contemporary case studies
- Formulate arguments capable of contributing to policy reform
- Construct sustainable arguments supported by academic research

Major Essay

Due: **Week 13**

Weighting: **50%**

You are required to submit a 3500 word essay in week 13. You can either generate your own question or respond to the following:

Copyright has been called "an engine of free expression". Discuss the accuracy of this statement.

If you choose to generate your own question then you should discuss it with your convener first. Essays must adhere to a written style and referencing system suitable for academic purposes. All essays will be submitted via iLearn to Turn It In. Essays will be marked and returned online.

On successful completion you will be able to:

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- Differentiate between different modes of authorship and ownership
- Apply legal rationale to contemporary case studies
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- Find, analyse, and interpret primary and secondary sources

Seminar Participation

Due: **Ongoing**

Weighting: **20%**

Seminars are an important part of this unit in providing time and space to discuss ideas and research. You are expected to arrive at seminars punctually and having completed the set readings for each topic. Your participation mark is derived from your engagement with set materials, the topic and seminar discussion. Seminar participation is key in discussing ideas, new research and also clarifying any uncertainties.

On successful completion you will be able to:

- Analyse critically the role played by copyright
- Differentiate between different modes of authorship and ownership
- Apply legal rationale to contemporary case studies
- Formulate arguments capable of contributing to policy reform
- Construct sustainable arguments supported by academic research
- Find, analyse, and interpret primary and secondary sources

Delivery and Resources

All readings are provided electronically via the library's eReserve system (follow the link on iLearn).

Unit Schedule

Week 1 - Unit introductions

No readings

Week 2 - Authorship

Martha Woodmansee. 'On the Author Effect: Recovering Collectivity' in (eds.) Martha Woodmansee & Peter Jaszi *The Construction of Authorship*. (1994). Duke University Press: Durham & London. 15-28.

Peter Jaszi. 'On the Author Effect: Contemporary Copyright and Collective Creativity' in (eds.) Martha Woodmansee & Peter Jaszi *The Construction of Authorship*. (1994). Duke University Press: Durham & London. 29-56.

Michel Foucault. 'What is an Author?' in (ed.) Paul Rabinow. *The Foucault Reader*. (1984). Pantheon Books: New York. 101-120.

Week 3 - Ownership I: Histories

Kembrew McLeod. *Owning Culture*. (2001). Peter Lang: New York. 1-37.

L. Ray Patterson & Stanley W. Lindberg. *The Nature of Copyright: A Law of Users' Rights*. (1991). The University of Georgia Press: Athens & London. 19-45.

John Gantz & Jack Rochester. *Pirates of the Digital Millennium: How the Intellectual Property Wars Damage Our Personal Freedoms, Our Jobs, and the World Economy*. (2005). Prentice Hall: New York. 27-61

Week 4 - Ownership II: Into the Now

Neil Weinstock Netanel. 'Copyright and a Democratic Civil Society'. (1996). 106 *Yale Law Journal* 283-387.

Steve Collins. "'Property Talk" and the Revival of Blackstonian Copyright'. (2006). 9(4) *M/C Journal* (online) <<http://journal.media-culture.org.au/0609/5-collins.php>>.

Week 5 - Digital Natives and Creatives

Steve Collins. 'Digital Fair: Prosumption and the Fair Use Defence'. (2010). 10(1) *Journal of Consumer Culture* 37-55.

Lawrence Lessig. *Remix*. (2008). The Penguin Press: US. 1-19.

Axel Bruns. 'Distributed Creativity: Filesharing and Prosumption' in (ed.) Stefan Sonvilla-Weiss *Mashup Cultures*. (2010). SpringerWien: New York. 24-37.

Week 6 - Fair's Fair

Lloyd Weinreb. 'Fair's Fair: A comment on the fair use doctrine'. (1990). 103 *Harvard Law Review*. 1137-1161.

Week 7 - Reading Week

No readings

Week 8 - Creative Commons

Lawrence Lessig. *Free Culture*. (2004). The Penguin Press: New York. 282-286.

Cory Doctorow. *©ontent*. (2008). Tachyon Publications: San Francisco. 71-75.

Week 9 - Sampling

Steve Collins. 'Waveform Pirates' (2008). 3 *Journal of the Art of Record Production* (online) <<http://arpjournal.com/680/waveform-pirates-sampling-piracy-and-musical-creativity/>>

Joanna Demers. *Steal This Music*. (2006). University of Georgia Press: Athens, Georgia. 111-146.

Week 10 - Fan Fiction

Henry Jenkins. *Textual Poachers*. (1992). Routledge: New York & London. 152-184.

Meredith McCardle. 'Fan Fiction, Fandom, and Fanfare: What's All the Fuss?' (2003). 9 *Boston University Journal of Science and Technology Law*. 434-468.

Week 11 - Digital Rights and Wrongs

Matt Mason. *The Pirate's Dilemma*. (2008). Free Press: New York, Toronto, London & Sydney. 33-67.

Cory Doctorow. *©ontent*. (2008). Tachyon Publications: San Francisco. 3-26.

Week 12 - The International Context

To be announced

Week 13 - Essay Consultation

No readings

Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central](#). Students should be aware of the following policies in particular with regard to Learning and Teaching:

Academic Honesty Policy http://mq.edu.au/policy/docs/academic_honesty/policy.html

Assessment Policy <http://mq.edu.au/policy/docs/assessment/policy.html>

Grading Policy <http://mq.edu.au/policy/docs/grading/policy.html>

Grade Appeal Policy <http://mq.edu.au/policy/docs/gradeappeal/policy.html>

Grievance Management Policy http://mq.edu.au/policy/docs/grievance_management/policy.html

Disruption to Studies Policy http://www.mq.edu.au/policy/docs/disruption_studies/policy.html *The Disruption to Studies Policy is effective from March 3 2014 and replaces the Special Consideration Policy.*

In addition, a number of other policies can be found in the [Learning and Teaching Category](#) of Policy Central.

Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: https://students.mq.edu.au/support/student_conduct/

Student Support

Macquarie University provides a range of support services for students. For details, visit <http://students.mq.edu.au/support/>

Learning Skills

Learning Skills (mq.edu.au/learningskills) provides academic writing resources and study strategies to improve your marks and take control of your study.

- [Workshops](#)
- [StudyWise](#)
- [Academic Integrity Module for Students](#)
- [Ask a Learning Adviser](#)

Student Services and Support

Students with a disability are encouraged to contact the [Disability Service](#) who can provide appropriate help with any issues that arise during their studies.

Student Enquiries

For all student enquiries, visit Student Connect at ask.mq.edu.au

IT Help

For help with University computer systems and technology, visit <http://informatics.mq.edu.au/help/>.

When using the University's IT, you must adhere to the [Acceptable Use Policy](#). The policy applies to all who connect to the MQ network including students.

Graduate Capabilities

PG - Discipline Knowledge and Skills

Our postgraduates will be able to demonstrate a significantly enhanced depth and breadth of knowledge, scholarly understanding, and specific subject content knowledge in their chosen fields.

This graduate capability is supported by:

Learning outcomes

- Analyse critically the role played by copyright
- Differentiate between different modes of authorship and ownership
- Apply legal rationale to contemporary case studies
- Formulate arguments capable of contributing to policy reform

Assessment tasks

- Seminar Presentation
- Major Essay
- Seminar Participation

PG - Critical, Analytical and Integrative Thinking

Our postgraduates will be capable of utilising and reflecting on prior knowledge and experience, of applying higher level critical thinking skills, and of integrating and synthesising learning and knowledge from a range of sources and environments. A characteristic of this form of thinking is the generation of new, professionally oriented knowledge through personal or group-based critique of practice and theory.

This graduate capability is supported by:

Learning outcomes

- Analyse critically the role played by copyright
- Differentiate between different modes of authorship and ownership
- Apply legal rationale to contemporary case studies
- Formulate arguments capable of contributing to policy reform
- Construct sustainable arguments supported by academic research

Assessment tasks

- Seminar Presentation
- Major Essay
- Seminar Participation

PG - Research and Problem Solving Capability

Our postgraduates will be capable of systematic enquiry; able to use research skills to create new knowledge that can be applied to real world issues, or contribute to a field of study or practice to enhance society. They will be capable of creative questioning, problem finding and problem solving.

This graduate capability is supported by:

Learning outcomes

- Apply legal rationale to contemporary case studies
- Construct sustainable arguments supported by academic research
- Find, analyse, and interpret primary and secondary sources

Assessment task

- Major Essay

PG - Effective Communication

Our postgraduates will be able to communicate effectively and convey their views to different social, cultural, and professional audiences. They will be able to use a variety of technologically supported media to communicate with empathy using a range of written, spoken or visual formats.

This graduate capability is supported by:

Learning outcomes

- Formulate arguments capable of contributing to policy reform
- Construct sustainable arguments supported by academic research
- Find, analyse, and interpret primary and secondary sources

Assessment tasks

- Seminar Presentation
- Major Essay
- Seminar Participation

PG - Engaged and Responsible, Active and Ethical Citizens

Our postgraduates will be ethically aware and capable of confident transformative action in relation to their professional responsibilities and the wider community. They will have a sense of connectedness with others and country and have a sense of mutual obligation. They will be able to appreciate the impact of their professional roles for social justice and inclusion related to national and global issues

This graduate capability is supported by:

Learning outcomes

- Analyse critically the role played by copyright
- Differentiate between different modes of authorship and ownership
- Apply legal rationale to contemporary case studies
- Formulate arguments capable of contributing to policy reform

Assessment tasks

- Seminar Presentation
- Seminar Participation

PG - Capable of Professional and Personal Judgment and Initiative

Our postgraduates will demonstrate a high standard of discernment and common sense in their professional and personal judgment. They will have the ability to make informed choices and decisions that reflect both the nature of their professional work and their personal perspectives.

This graduate capability is supported by:

Learning outcomes

- Apply legal rationale to contemporary case studies
- Formulate arguments capable of contributing to policy reform
- Construct sustainable arguments supported by academic research
- Find, analyse, and interpret primary and secondary sources

Assessment task

- Seminar Participation

Assignment Submission

All written assignments are to be submitted electronically via iLearn. Details will be given out during class.

Hardcopy submissions will not be accepted or marked.

Assignments submitted after the due date will be penalised 10% per day.